

AMENDMENT TO H.R. 1
OFFERED BY MR. PERLMUTTER OF COLORADO

Page 221, line 7, after "\$1,000,000,000," insert the following: "of which not less than \$50,000,000 and not more than \$250,000,000, as determined by the Secretary of Housing and Urban Development, shall be for grants under section 123 of the Housing and Community Development Act of 1974, as added by section 12005 of this title, and of which the remainder shall be used".

Page 237, after line 11, insert the following new section:

1 **SEC. 12005. RESIDENTIAL ENERGY EFFICIENCY BLOCK**
2 **GRANT PROGRAM.**

3 Title I of the Housing and Community Development
4 Act of 1974 (42 U.S.C. 5301 et seq.) is amended by add-
5 ing at the end the following new section:

6 **"SEC. 123. RESIDENTIAL ENERGY EFFICIENCY BLOCK**
7 **GRANT PROGRAM.**

8 "(a) IN GENERAL.—To the extent amounts are made
9 available for grants under this section, the Secretary shall
10 make grants under this section to States, metropolitan cit-
11 ies and urban counties, Indian tribes, and insular areas

1 to carry out energy efficiency improvements in new and
2 existing single-family and multifamily housing.

3 “(b) ALLOCATIONS.—

4 “(1) IN GENERAL.—Of the total amount made
5 available for each fiscal year for grants under this
6 section that remains after reserving amounts pursu-
7 ant to paragraph (2), the Secretary shall allocate for
8 insular areas, for metropolitan cities and urban
9 counties, and for States, an amount that bears the
10 same ratio to such total amount as the amount allo-
11 cated for such fiscal year under section 106 for In-
12 dian tribes, for insular areas, for metropolitan cities
13 and urban counties, and for States, respectively,
14 bears to the total amount made available for such
15 fiscal year for grants under section 106.

16 “(2) SET ASIDE FOR INDIAN TRIBES.—Of the
17 total amount made available for each fiscal year for
18 grants under this section, the Secretary shall allo-
19 cate not less than one percent to Indian tribes.

20 “(c) GRANT AMOUNTS.—

21 “(1) ENTITLEMENT COMMUNITIES.—From the
22 amounts allocated pursuant to subsection (b) for
23 metropolitan cities and urban counties for each fiscal
24 year, the Secretary shall make a grant for such fis-
25 cal year to each metropolitan city and urban county

1 that complies with the requirement under subsection
2 (d), in the amount that bears the same ratio such
3 total amount so allocated as the amount of the grant
4 for such fiscal year under section 106 for such met-
5 ropolitan city or urban county bears to the aggre-
6 gate amount of all grants for such fiscal year under
7 section 106 for all metropolitan cities and urban
8 counties.

9 “(2) STATES.—From the amounts allocated
10 pursuant to subsection (b) for States for each fiscal
11 year, the Secretary shall make a grant for such fis-
12 cal year to each State that complies with the re-
13 quirement under subsection (d), in the amount that
14 bears the same ratio such total amount so allocated
15 as the amount of the grant for such fiscal year
16 under section 106 for such State bears to the aggre-
17 gate amount of all grants for such fiscal year under
18 section 106 for all States. Grant amounts received
19 by a State shall be used only for eligible activities
20 under subsection (e) carried out in nonentitlement
21 areas of the State.

22 “(3) INDIAN TRIBES.—From the amounts allo-
23 cated pursuant to subsection (b) for Indian tribes,
24 the Secretary shall make grants to Indian tribes that
25 comply with the requirement under subsection (d) on

1 the basis of a competition conducted pursuant to
2 specific criteria, as the Secretary shall establish by
3 regulation, for the selection of Indian tribes to re-
4 ceive such amount.

5 “(4) INSULAR AREAS.—From the amounts allo-
6 cated pursuant to subsection (b) for insular areas,
7 the Secretary shall make a grant to each insular
8 area that complies with the requirement under sub-
9 section (d) on the basis of the ratio of the population
10 of the insular area to the aggregate population of all
11 insular areas. In determining the distribution of
12 amounts to insular areas, the Secretary may also in-
13 clude other statistical criteria as data become avail-
14 able from the Bureau of Census of the Department
15 of Labor, but only if such criteria are set forth by
16 regulation issued after notice and an opportunity for
17 comment.

18 “(d) STATEMENT OF ACTIVITIES.—

19 “(1) REQUIREMENT.—Before receipt the re-
20 ceipt in any fiscal year of a grant under subsection
21 (c) by any grantee, the grantee shall have prepared
22 a final statement of housing energy efficiency objec-
23 tives and projected use of funds as the Secretary
24 shall require and shall have provided the Secretary
25 with such certifications regarding such objectives

1 and use as the Secretary may require. In the case
2 of metropolitan cities, urban counties, units of gen-
3 eral local government, and insular areas receiving
4 grants, the statement of projected use of funds shall
5 consist of proposed housing energy efficiency activi-
6 ties. In the case of States receiving grants, the state-
7 ment of projected use of funds shall consist of the
8 method by which the States will distribute funds to
9 units of general local government.

10 “(2) PUBLIC PARTICIPATION.—The Secretary
11 may establish requirements to ensure the public
12 availability of information regarding projected use of
13 grant amounts and public participation in deter-
14 mining such projected use.

15 “(e) ELIGIBLE ACTIVITIES.—

16 “(1) REQUIREMENT.—Amounts from a grant
17 under this section may be used only to carry out ac-
18 tivities for single-family or multifamily housing that
19 are designed to improve the energy efficiency of the
20 housing so that the housing complies with the en-
21 ergy efficiency standard under subsection (f)(1), in-
22 cluding such activities to provide energy for such
23 housing from renewable sources, such as wind,
24 waves, solar, biomass, and geothermal sources.

1 “(2) PREFERENCE FOR COMPLIANCE BEYOND
2 MINIMUM REQUIREMENTS.—In selecting activities to
3 be funded with amounts from a grant under this
4 section, a grantee shall give more preference—

5 “(A) to activities based on the extent to
6 which the activities will result in compliance by
7 the housing with the enhanced energy efficiency
8 and conservation standards, and the green
9 building standards, under subsection (f)(2); and

10 “(B) to activities for which contracts can
11 be awarded, based on bids submitted, not later
12 than 120 days after amounts from a grant
13 under this section are made available to the
14 grantee.

15 “(f) MINIMUM HUD ENERGY EFFICIENCY STAND-
16 ARDS AND STANDARDS FOR ADDITIONAL CREDIT.—

17 “(1) MINIMUM HUD STANDARD.—

18 “(A) RESIDENTIAL STRUCTURES.—A resi-
19 dential single family or multifamily structure
20 shall be considered to comply with the energy
21 efficiency requirements under this paragraph
22 if—

23 “(i) the structure complies with the
24 applicable provisions of the American Soci-
25 ety of Heating, Refrigerating, and Air-

1 Conditioning Engineers Standard 90.1–
2 2007, as such standard or successor stand-
3 ard is in effect for purposes of this sub-
4 section pursuant to paragraph (3);

5 “(ii) the structure complies with the
6 applicable provisions of the 2006 Inter-
7 national Energy Conservation Code, as
8 such standard or successor standard is in
9 effect for purposes of this subsection pur-
10 suant paragraph (3);

11 “(iii) in the case only of an existing
12 structure, where determined cost effective,
13 the structure has undergone rehabilitation
14 or improvements, completed after the date
15 of the enactment of this Act, and the en-
16 ergy consumption for the structure has
17 been reduced by at least 20 percent from
18 the previous level of consumption, as deter-
19 mined in accordance with energy audits
20 performed both before and after any reha-
21 bilitation or improvements undertaken to
22 reduce such consumption; or

23 “(iv) the structure complies with the
24 applicable provisions of such other energy
25 efficiency requirements, standards, check-

1 lists, or ratings systems as the Secretary
2 may adopt and apply by regulation, as may
3 be necessary, for purposes of this section
4 for specific types of residential single fam-
5 ily or multifamily structures or otherwise,
6 except that the Secretary shall make a de-
7 termination regarding whether to adopt
8 and apply any such requirements, stand-
9 ards, checklists, or rating system for pur-
10 poses of this subsection not later than the
11 expiration of the 180-day period beginning
12 upon the date of receipt of any written re-
13 quest, made in such form as the Secretary
14 shall provide, for such adoption and appli-
15 cation.

16 “(B) NONRESIDENTIAL STRUCTURES.—

17 For purposes of this subsection, the Secretary
18 shall identify and adopt by regulation, as may
19 be necessary, energy efficiency requirements,
20 standards, checklists, or rating systems applica-
21 ble to nonresidential structures that are con-
22 structed or rehabilitated with HUD assistance.
23 A nonresidential structure shall be considered
24 to comply with the energy efficiency require-
25 ments under this subsection if the structure

1 complies with the applicable provisions of any
2 such energy efficiency requirements, standards,
3 checklist, or rating systems identified and
4 adopted by the Secretary pursuant to this para-
5 graph, as such standards are in effect for pur-
6 poses of this subsection pursuant to paragraph
7 (3).

8 “(2) ADDITIONAL CREDIT FOR COMPLIANCE
9 WITH ENHANCED ENERGY EFFICIENCY STAND-
10 ARDS.—

11 “(A) IN GENERAL.—In addition to compli-
12 ance with the energy efficiency requirements
13 under paragraph (1), a residential or nonresi-
14 dential structure shall be considered to comply
15 with the enhanced energy efficiency and con-
16 servation standards or the green building stand-
17 ards under this paragraph, to the extent that
18 such structure complies with the applicable pro-
19 visions of the standards under subparagraph
20 (B) or (C), respectively (as such standards are
21 in effect for purposes of this subsection, pursu-
22 ant to paragraph (3)), in a manner that is not
23 required for compliance with the energy effi-
24 ciency requirements under paragraph (1) and
25 subject to the Secretary’s determination of

1 which standards are applicable to which struc-
2 tures.

3 “(B) ENERGY EFFICIENCY AND CON-
4 SERVATION STANDARDS.—The energy efficiency
5 and conservation standards under this subpara-
6 graph are as follows:

7 “(i) RESIDENTIAL STRUCTURES.—
8 With respect to residential structures:

9 “(I) NEW CONSTRUCTION.—For
10 new construction, the Energy Star
11 standards established by the Environ-
12 mental Protection Agency, as such
13 standards are in effect for purposes of
14 this paragraph pursuant to paragraph
15 (3);

16 “(II) EXISTING STRUCTURES.—
17 For existing structures, a reduction in
18 energy consumption from the previous
19 level of consumption for the structure,
20 as determined in accordance with en-
21 ergy audits performed both before and
22 after any rehabilitation or improve-
23 ments undertaken to reduce such con-
24 sumption, that exceeds the reduction
25 necessary for compliance with the en-

1 ergy efficiency requirement under
2 paragraph (1)(A)(iii).

3 “(ii) NONRESIDENTIAL STRUC-
4 TURES.—With respect to nonresidential
5 structures, such energy efficiency and con-
6 servations requirements, standards, check-
7 lists, or rating systems for nonresidential
8 structures as the Secretary shall identify
9 and adopt by regulation, as may be nec-
10 essary, for purposes of this subparagraph.

11 “(C) GREEN BUILDING STANDARDS.—The
12 green building standards under this subpara-
13 graph are as follows:

14 “(i) The national Green Communities
15 criteria checklist for residential construc-
16 tion that provides criteria for the design,
17 development, and operation of affordable
18 housing, as such checklist or successor
19 checklist is in effect for purposes of this
20 section pursuant to paragraph (3).

21 “(ii) The gold certification level for
22 the LEED for New Construction rating
23 system, the LEED for Homes rating sys-
24 tem, the LEED for Core and Shell rating
25 system, as applicable, as such systems or

1 successor systems are in effect for pur-
2 poses of this section pursuant to para-
3 graph (3).

4 “(iii) The Green Globes assessment
5 and rating system of the Green Buildings
6 Initiative.

7 “(iv) For manufactured housing, en-
8 ergy star rating with respect to fixtures,
9 appliances, and equipment in such housing,
10 as such standard or successor standard is
11 in effect for purposes of this subsection
12 pursuant to paragraph (3).

13 “(v) The National Green Building
14 Standard, but such standard shall apply
15 for purposes of this subparagraph only—

16 “(I) if such standard is ratified
17 under the American National Stand-
18 ards Institute process;

19 “(II) upon expiration of the 180-
20 day period beginning upon such ratifi-
21 cation; and

22 “(III) if, during such 180-day pe-
23 riod, the Secretary of Housing and
24 Urban Development does not reject

1 the applicability of such standard for
2 purposes of this subparagraph.

3 “(vi) Any other requirements, stand-
4 ards, checklists, or rating systems for
5 green building or sustainability as the Sec-
6 retary may identify and adopt by regula-
7 tion, as may be necessary for purposes of
8 this subparagraph, except that the Sec-
9 retary shall make a determination regard-
10 ing whether to adopt and apply any such
11 requirements, standards, checklist, or rat-
12 ing system for purposes of this section not
13 later than the expiration of the 180-day
14 period beginning upon date of receipt of
15 any written request, made in such form as
16 the Secretary shall provide, for such adop-
17 tion and application.

18 “(D) GREEN BUILDING.—For purposes of
19 this subsection, the term ‘green building’
20 means, with respect to standards for structures,
21 standards to require use of sustainable design
22 principles to reduce the use of nonrenewable re-
23 sources, minimize the impact of development on
24 the environment, and to improve indoor air
25 quality.

1 “(E) ENERGY AUDITS.—The Secretary
2 shall establish standards and requirements for
3 energy audits for purposes of subparagraph
4 (B)(i)(II).

5 “(3) APPLICABILITY AND UPDATING OF STAND-
6 ARDS.—

7 “(A) APPLICABILITY.—Except as provided
8 in subparagraph (B), the requirements, stand-
9 ards, checklists, and rating systems referred to
10 in paragraphs (1) and (2) that are in effect for
11 purposes of this subsection are such require-
12 ments, standards, checklists, and systems are
13 as in existence upon the date of the enactment
14 of this Act.

15 “(B) UPDATING.—For purposes of this
16 subsection, the Secretary may adopt and apply
17 by regulation, as may be necessary, future
18 amendments and supplements to, and editions
19 of, the requirements, standards, checklists, and
20 rating systems referred to in paragraphs (1)
21 and (2).

22 “(g) REPORTS.—Each grantee of a grant under this
23 section for a fiscal year shall submit to the Secretary, at
24 a time determined by the Secretary, a performance and
25 evaluation report concerning the use of grant amounts,

1 which shall contain an assessment by the grantee of the
2 relationship of such use to the objectives identified in the
3 grantees statement under subsection (d).

4 “(h) APPLICABILITY OF CDBG PROVISIONS.—Sec-
5 tions 109, 110, and 111 of the Housing and Community
6 Development Act of 1974 (42 U.S.C. 5309, 5310, 5311)
7 shall apply to assistance received under this section to the
8 same extent and in the same manner that such sections
9 apply to assistance received under title I of such Act.

10 “(i) INAPPLICABILITY OF CERTAIN PROVISIONS.—
11 Notwithstanding any provision of the American Recovery
12 and Reinvestment Act of 2009, the provisions under the
13 paragraph ‘DEPARTMENT OF HOUSING AND
14 URBAN DEVELOPMENT—Community Planning and
15 Development—Community Development Fund’ in title
16 XII of such Act that are specifically applicable to amounts
17 appropriated in that paragraph shall not apply to amounts
18 made available for grants under this section.”.

